

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 17, 1997

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J. (Assigned), and S. Beaux, Deputy Clerk.

B096717 Bohan
 v.
 Wong

Merits:

Argued by William J. Cleary for appellant and no appearance for respondent. Submission deferred to December 29, 1997, for filing of letter brief by appellant regarding Cal. Rules of Court, rule 3.

B105785 Ho
 v.
 Hamilton Financial Corporation et al.

Merits:

Argued by Steven Zelig for appellant, Michael D. Imfeld for respondent Hamilton Financial and by Robert L. Wallan for respondent Great Pacific Insurance Co. Cause submitted.

B107476 Fehring
 v.
 H & R Block

Merits:

Argued by Lloyd J. Goldwater for appellant and by Dana Alden Fox for respondent. Cause submitted.

DIVISION ONE (Continued)

B105420 Kohan et al.
 v.
 Girardi et al.

Merits:

Argued by Douglas G. Benedon for appellants and by Timothy P. O'Brien for respondents. Cause submitted.

Justice Ortega leaves the bench.

B110769 Woodson
 v.
 City of Pasadena et al.

Merits:

Argued by Richard J. Silber for appellant and by Wendy K. Genz for respondents. Cause submitted.

Justice Ortega resumes the bench.

B109592 Cruz
 v.
 Beverly Manor Convalescent Hospital

Merits:

Argued by Theodore C. Philegar for appellant and by Phyllis J. Bryan for respondent. Cause submitted.

B107622 Jackson
 v.
 County of Los Angeles

Merits:

Argued by Robert M. Moss for appellant and by Melanie E. Lomax for respondent. Cause submitted.

DIVISION ONE (Continued)

Justice Masterson leaves the bench.

B103924 Lai et al.
 v.
 Prudential Insurance Company of America

Merits:

Argued by Carla D. Barboza for appellants, David Kadue for respondent and by Paul Grossman for amicus curiae. Cause submitted.

B105914 Nationwide Mutual Insurance Company
 v.
 Advanced Contractors, Inc.

Merits:

Argued by Ronald L. Richman for appellant and by John A. Cone, Jr. for respondent. Cause submitted.

B105458 National Union Fire Insurance Co. et al.
 v.
 Pro Express, Inc.

Merits:

Argued by Kent Leeds Vallette for appellant and by John E. Feeley for respondents. Cause submitted.

Presiding Justice Spencer leaves the bench.

B090236 Rapolla et al.
 v.
 Saint Joseph Medical Center et al.

Merits:

Argued by James F. Tritt for appellants, Peter J. Arturo for respondent St. Joseph Medical Center, Tobie B. Waxman for respondent Neal Hamel, M.D., and by Judith M. Tishkoff for Gilbert Hum, M.D., respondent. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B107557 Pope (Not for Publication)

v.

Pope

In re Marriage of Pope

We affirm the October 15, 1996, order denying appellants' motion "to vacate all orders in effect" and for mistrial, and granting respondent's request for attorney fees.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B105744 Brown, Jr. (Not for Publication)

v.

Farmers Insurance Exchange

The petition for writ of mandate is denied. Farmers is awarded costs.

Ortega, J.

We concur: Spencer, P.J.
 Masterson, J.

B108435 Unland (Certified for Publication)

v.

Block

We affirm the order denying the petition for writ of mandate. Respondent is awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

DIVISION ONE (Continued)

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

We concur: Vogel (Miriam A.), Acting P.J.
Dunn, J. (Assigned)

December 17, 1997-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B102662 People (Not for Publication)
v.
Zavala

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

December 17, 1997-Continued

DIVISION THREE (Continued)

B106076 People (Certified for Partial Publication)
v.
Myers

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Aranda, J. (Assigned)

B105249 Maximilian Schell (Not for Publication)
v.
Wolfgang Bocksh Concerts, et al.

Judgment affirmed. Plaintiff Maximilian Schell is awarded costs and attorney fees on appeal. In addition, defendant Wolfgang Bocksh Concerts is ordered to pay Schell \$1,000 in sanctions. The matter is remanded to the trial court to determine the award of attorney fees on appeal. Schell is awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Aranda, J. (Assigned)

B105927 Cynthia Collard (Not for Publication)
v.
City of Burbank

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

December 17, 1997-Continued

DIVISION FOUR

B108967 Lee (Not for Publication)
v.
Wong

The judgment is reversed and the matter is remanded. Upon remand, the court shall modify its order so that it grants summary adjudication upon the fourth cause of action. Appellants are awarded costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

DIVISION FIVE

(Not for Publication)

B111156 In re Bill Chainey and Virginia Chainey Trusts
v.
Billie Ann Chainey et al.

Affirmed. Respondent to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
Jackson, J. (Assigned)

DIVISION SIX

B106280 Elandt et al. (Not For Publication)
 v.
 Goodwin et al.

Filed order modifying opinion and denying petition for rehearing. This modification does not change the result.

B114121 Susan M. (Not for Publication)
 v.
 Jamie N.

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B111841 Caldwell (Not for Publication)
 v.
 Simi Valley Unified School

The judgment is affirmed with costs to respondent.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B091431 Anderson (Not for Publication)
 v.
 Campodonico

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

December 17, 1997-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is reversed with directions to enter a new order vacating the default and default judgment. Appellants are awarded costs on appeal.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B108237 Budsco Chemical Enterprises, Inc. (Not for Publication)
v.
Rice

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SEVEN

B107112 People (Not for Publication)
v.
Nunez

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B109055 Apex Pattern Company (Not for Publication)

v.

Gregg Industries, Inc.

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

B109576 Stonawski (Not for Publication)

v.

Stonawski

The order is reversed, and the matter is remanded to the superior court with directions for further action as indicated. Appellant to recover costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

B103398 Hobdy (Not for Publication)

v.

State of California Dept. of Ins.

The judgment is reversed and remanded to the court with directions to enter a judgment granting the writ of administrative mandate directing the respondent to vacate its order of summary revocation and hold an administrative hearing. Appellant to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.

Johnson, J.

DIVISION SEVEN (Continued)

B102146 People
 v.
 Ramirez

Filed order certifying opinion for publication.